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Attorneys for Defendant  
BENTLEY MOTORS, INC.

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

SANDRA SON, an individual,

Plaintiff,

v.

BENTLEY MOTORS, INC.; Does 1 -  
50, inclusive,

Defendants.

Case No. 2:24-cv-08859

**NOTICE OF REMOVAL TO THE  
UNITED STATES DISTRICT  
COURT FOR THE CENTRAL  
DISTRICT OF CALIFORNIA  
UNDER 28 USC §1441, 28 USC  
§1332 (DIVERSITY OF  
CITIZENSHIP); AND  
DECLARATION OF ASHLEY E.  
OAKS**

[Removed from the Superior Court of  
the State of California, County of Los  
Angeles, Case No. 24SMCV04290]

State Complaint Filed: September 10,  
2024

Trial Date: Not Set

**TO THE CLERK OF THE UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA:**

**PLEASE TAKE NOTICE** that Defendant Bentley Motors, Inc. (  
("Defendant" or "BMI") hereby removes this case to the United States District  
Court for the Central District of California pursuant to 28 U.S.C. §§1441 and 1446

1 and based upon diversity of citizenship under 28 U.S.C. § 1332. The basis for  
2 removal is as follows:

3  
4 **BACKGROUND FACTS**

5 1. In accordance with 28 U.S.C. § 1446(a), true and correct copies of all  
6 process, pleadings, and orders served upon BMI in this action are attached to the  
7 Declaration of Ashley E. Oaks (“Oaks Decl.”) as Exhibit A.

8 2. On September 10, 2024, Plaintiff Sandra Son (“Plaintiff”) commenced  
9 this action in the Superior Court of the State of California, County of Los Angeles,  
10 entitled *Sandra Son v. Bentley Motors, Inc.*, Case No. 24SMCV04290. The  
11 Complaint alleges Breach of Implied Warranty of Merchantability (First Cause of  
12 Action) and Breach of Express Warranty (Second Cause of Action) under the  
13 California Song-Beverly Consumer Warranty Act with respect to Plaintiff’s 2021  
14 Bentley Bentayga vehicle, VIN: SJAAM2ZV6MC033772. *Declaration of Ashley E.*  
15 *Oaks* (“Oaks Decl.”), ¶2, Exh. A: Complaint at ¶8.

16 3. On September 13, 2024, BMI was served with Plaintiff’s Summons  
17 and Complaint. *Oaks Decl.*, ¶3; Exh. A.

18 4. On October 14, 2024, BMI filed its Answer to Plaintiff’s Complaint in  
19 the state court. *Oaks Decl.*, ¶4; Exh. B.

20 5. No further proceedings have been had in the state court action.

21 6. This is a civil action over which this Court has original jurisdiction  
22 under 28 U.S.C. § 1332, and it is one which may be removed to this Court pursuant  
23 to 28 U.S.C. §§ 1441(a) and 1442(b) because Plaintiff and BMI are citizens of  
24 different states, BMI is not a citizen of California, and the amount in controversy  
25 exceeds \$75,000 exclusive of interest and costs.

26 7. The Superior Court of the State of California for the County of Los  
27 Angeles is located in the Central District of California, Western Division. Thus,  
28

venue is proper pursuant to 28 U.S.C. § 84 because this is the “district and division within which such action is pending...” *See* 28 U.S.C. §1446, subd. (a).

**REMOVAL IS PROPER BECAUSE THIS COURT HAS DIVERSITY**

**JURISDICTION PURSUANT TO 28 U.S.C. § 1332**

**A. There is Complete Diversity Between the Parties**

8. For diversity purposes, a natural person is a “citizen” of the state which he or she is domiciled. *Kantor v. Wellesley Galleries, Ltd.*, 704 F.2d 1088, 1090 (9th Cir. 1983). A natural person’s domicile is the place he or she resides with the intention to remain or to which he or she intends to return. *Kanter v. Warner-Lambert Co.*, 265 F.3d. 853, 857 (9th Cir. 2001). An existing domicile is presumed to continue. *Bank One, Texas, N.A. v. Montle*, 964 F.3d 281, 288 (3d Cir. 2006); *Mitchell v. United States*, 88 U.S. (21 Wall.), 350, 353, 22 L.Ed. 584 (1875) (“[D]omicile, once acquired, is presumed to continue until it is shown to have been changed.”) It is presumed a natural person’s residence is also his domicile, and a party resisting this presumption bears the burden of producing contrary evidence. *Lew v. Moss*, 797 F.2d 747, 751 (9th Cir. 1986); 28 U.S.C. § 1332(a)(1).

9. Plaintiff, at the time this action was commenced, was and still is a citizen and resident of the State of California as established by his Complaint. *See Oaks Decl.*, Exh. A: Complaint, ¶1.

10. A “corporation shall be deemed to be a citizen of any State by which it has been incorporated and of the State where it has its principal place of business.” 28 U.S.C. § 1332(c)(1). A corporation’s principal place of business is “the place where a corporation’s officers direct, control, and coordinate the corporation’s activities. It is the place that Courts of Appeals have called the corporation’s ‘nerve center.’” *Hertz Corp. v. Friend*, 599 U.S. 77, 92-93 (2010).

1 11. BMI is a Delaware corporation with its principal place of business in  
2 Virginia. *Oaks Decl.*, ¶7. BMI is not, and was not at the time the state court action  
3 was commenced, a citizen of the State of California. *Id.*

4 12. Complete diversity therefore existed as of the time the action was  
5 commenced in state court and exists at the time of removal. There are no other  
6 named defendants that can defeat diversity. “Doe” defendants may be ignored for  
7 removal purposes. *See Salveson v. Western State Bank Card Assn.*, 731 F.2d 1423  
8 (9th Cir. 1984).

9 **B. The Amount in Controversy is in Excess of \$75,000.00**

10 13. Among her other causes of action, Plaintiff is alleging violations of the  
11 California Song-Beverly Consumer Warranty Act related to Plaintiff’s Bentley  
12 Bentayga vehicle, VIN: SJAAM2ZV6MC033772. *Declaration of Ashley E. Oaks*  
13 (*“Oaks Decl.”*), ¶2, Exh. A: Complaint at ¶¶8-41.

14 14. Plaintiff is seeking in excess of \$75,000.00 in monetary damages. The  
15 amount in controversy requirement may be established by showing that such  
16 damages are “facially apparent” from Plaintiff’s Complaint, or by setting forth facts  
17 in the notice of removal that support a finding of the requisite amount. *See Lockett*  
18 *v. Delta Airlines, Inc.*, 171 F.3d 295, 298 (5th Cir. 1999).

19 15. As set forth in Plaintiff’s Complaint, Plaintiff seeks the remedies  
20 provided in California Civil Code section 1794(b)(1), “purchase price paid for the  
21 Vehicle” and “the amount actually paid or payable under the contract.” *Oaks Decl.*,  
22 Exh. A: Complaint, ¶¶28, 39. Plaintiff further seeks general, special and actual  
23 damages, rescission, restitution, incidental and consequential damages, a civil  
24 penalty equal to twice the amount of Plaintiff’s total damages, along with attorneys’  
25 fees and costs of suit and pre-judgment interest. *Oaks Decl.*, Ex. A: Complaint, at  
26 Prayer for Relief, ¶¶1-8.

1           16. According to the lease agreement for the subject vehicle, the total  
2 payments due under the lease agreement are \$148,764.21. *See Oaks Decl.* ¶6, Exh  
3 C: Lease Agreement. Further, the lease agreement outlines that the residual value  
4 (the amount needed, after the lease payments, to payoff the vehicle) is \$97,044.50.  
5 *Id.* Thus total monetary damages Plaintiff seeks for damages and restitution alone  
6 (excluding the residual value needed to take title to the car, incidental and  
7 consequential damages, civil penalty and attorneys’ fees and costs of suit) is  
8 \$148,764.21). When taking the residual value into consideration, total amount is  
9 \$245,808.71 (again, excluding incidental and consequential damages, civil penalty  
10 and attorneys’ fees and costs). *Id.*, *See Oaks Decl.* ¶2, Ex. A: Complaint, Prayer for  
11 Relief, ¶¶ 1-8.

12           17. Accordingly, the amount in controversy is in excess of \$75,000.00.

13                   **THE PROCEDURAL REQUIREMENTS FOR REMOVAL**  
14                   **HAS BEEN SATISFIED**

15           18. Removal is timely pursuant to 28 U.S.C. § 1446(b)(1) and Rule  
16 6(a)(1)(C) of the Federal Rules of Civil Procedure. BMI was served with the  
17 Complaint on September 13, 2024. Under 28 U.S.C. § 1446(b)(1), the 30-day  
18 removal deadline is October 13, 2024. However, because October 13, 2024 is a  
19 Sunday, and October 14, 2024 is a Federal Holiday, pursuant to Rule 6(a)(1)(C) of  
20 the Federal Rules of Civil Procedure, the deadline was extended to the following  
21 Tuesday, October 15, 2024.

22           19. The Superior Court of the State of California for the County of Los  
23 Angeles is located in the Central District of California. Therefore, venue is proper  
24 pursuant to 28 U.S.C. § 84 because this is the “district and division within which  
25 such action is pending . . .” 28 U.S.C. § 1446(a).

20. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal is being served upon counsel for Plaintiff, and a copy is being filed with the clerk of the Superior Court of the State of California for the County of Los Angeles.

**NO WAIVER OF DEFENSES**

## CONCLUSION

\* \* \*

WHEREFORE, BMI hereby removes the local action from the Superior Court of the State of California for the County of Los Angeles to the United States District Court for the Central District of California, and respectfully request that further proceedings be conducted in this Court as provided by law.

1 Dated: October 15, 2024

Respectfully submitted,

2 SQUIRE PATTON BOGGS (US) LLP

3  
4 By: /s/ Ashley E. Oaks

5 Sean P. Conboy  
6 Ashley E. Oaks  
7 Attorneys for Defendant  
8 BENTLEY MOTORS, INC.

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555 South Flower Street, 31st Floor  
Los Angeles, California 90071

**DECLARATION OF ASHLEY E. OAKS**

I, Ashley E. Oaks, declare as follows:

1. I am an attorney admitted to practice law before all courts in the State of California and the United States District Court, Central District of California, and do so as an attorney of Squire Patton Boggs (US) LLP, attorneys of record for Defendant BENTLEY MOTORS, INC. (“BMI” or “Defendant”). This declaration is offered in support of Defendant’s Notice of Removal to the United States District Court for the Central District of California under 28 U.S.C. §1332. I have personal knowledge of all the facts set forth herein, and if called upon to do so by the Court, could and would testify competently thereto. As to those matters stated upon information and belief, I am informed and believe such matters to be true.

2. On September 13, 2024, BMI was served with Plaintiff’s Summons and Complaint. A true and correct copy of the Summons and Complaint served on BMI is attached hereto as **Exhibit A**.

4. On October 14, 2024, BMI filed its Answer to the Complaint in the state court. A true and correct conformed copy of BMI’s Answer is attached hereto as **Exhibit B**.

6. According to the lease contract for the subject vehicle, at the time Plaintiff leased the vehicle, she was a resident of California. A true and correct copy of Plaintiff’s Lease Agreement is attached hereto as **Exhibit C**.

7. BMI is a Delaware corporation with its principal place of business in Virginia. BMI is not, and was not at the time the state court action was commenced, a citizen of the State of California.

8. Removal is timely pursuant to 28 U.S.C. § 1446(b)(1). BMI was served with the Complaint on September 13, 2024. The 30-day removal deadline is October 13, 2024. However, because October 13, 2024 is a Sunday, and October 14, 2024 is a Federal Holiday, pursuant to Rule 6(a)(1)(C) of the Federal Rules of

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1 Civil Procedure, the deadline was extended to the following Tuesday, October 15,  
2 2024.

3  
4 I declare under penalty of perjury under the laws of the United States of  
5 America that the foregoing is true and correct.

6 Executed this 15<sup>th</sup> day of October, 2024 at Los Angeles, California.

7 /s/ Ashley E. Oaks  
8 Ashley E. Oaks  
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